

**Summary of Comments Received During Scoping
For Amendment 2 to the Fishery Management Plan
for Atlantic Tunas, Swordfish, and Sharks
And Amendment 2 to the Atlantic Billfish
Fishery Management Plan**

April 30, 2004, through July 23, 2004

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1.0 Why is NOAA Fisheries Amending the HMS FMP and the Billfish FMP?

In 1999, the National Marine Fisheries Service (NOAA Fisheries) finalized the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (HMS FMP) and Amendment 1 to the Atlantic Billfish Fishery Management Plan (Billfish FMP). The HMS FMP replaced all previous plans for swordfish and sharks. Since 1999, NOAA Fisheries has made a number of changes to the regulations and has amended the HMS FMP once. NOAA Fisheries would like to consider additional changes to the HMS and Billfish FMPs that would further enhance rebuilding of stocks, prevent overfishing, improve data collection methodologies, enhance enforcement of regulations, update essential fish habitat identifications, and maintain the United States' compliance with multilateral treaties relating to highly migratory species (HMS). Some of these changes require an amendment to the existing FMP.

2.0 What was the Purpose of Scoping?

The first phase in amending an FMP or in preparing an environmental impact statement (EIS) is called scoping. During scoping, the public is given an opportunity to consider and comment on all the issues related to the subject at hand that have been identified by NOAA Fisheries, as well as recommend addition issues for consideration during the rulemaking process. For these amendments, NOAA Fisheries presented a broad range of potential issues. These issues included, but were not limited to, species-specific management, the limited access permit program, fishing tournaments, bycatch reduction, recordkeeping and reporting, workshops, exempted and scientific fishing permits, and essential fish habitat. The advice and comments received during scoping is critical because it is used to identify and explore the full range of alternative approaches to future management, to define future priorities, and because it allows public involvement in the initial stages of the process, prior to analyzing, proposing, or adopting regulations.

To facilitate the process of collecting comments, NOAA Fisheries released an Issues and Options paper (IO paper) and held ten public hearings along the Atlantic and Gulf of Mexico coasts (April 30, 2004, 69 FR 23730; May 26, 2004, 69 FR 29927). NOAA Fisheries also presented the IO paper to the New England, Mid-Atlantic, and Gulf of Mexico Fishery Management Councils (April 23, 2004, 69 FR 22006; June 8, 2004, 69 FR 31966; June 28, 2004, 2004, 69 FR 36066) and the Atlantic States Marine Fisheries Commission. The comment period for Scoping ended on July 23, 2004 (May 26, 2004, 69 FR 29927). As a courtesy, NOAA Fisheries also presented the IO paper to two of the Gulf of Mexico Fishery Management Council's advisory panels in August 2004.

During the scoping meetings, the public identified a number of issues and options beyond those presented in the IO paper. NOAA Fisheries will consider the comments received when deciding which issues to include in and while drafting Amendments 2 to the HMS and Billfish FMPs. Not all the issues raised or presented in the IO paper or during scoping will be included in the Amendments 2. Some issues may be included in other future amendments; other issues may be handled outside the FMP amendment process.

3.0 What were the Comments Received?

Below is a summary of the major comments received during scoping. Comments are categorized by major issue, but are not arranged in any particular order within a given category. Because not all the comments received were related to the list of issues in the IO paper, there is not a direct correlation between this document and the IO paper. Additionally, responses to comments are not included in this document. Rather, the comments themselves will aid in drafting the proposed rule documents, both in prioritizing the types of issues to be addressed and in the analyses of the alternatives themselves.

Some of the comments summarized below refer to the specific numbering scheme presented in the IO paper. In instances where re-iterating the text of the IO paper would have impeded the flow of the text, the numbering scheme is maintained. In those cases, please refer directly to the IO paper (<http://www.nmfs.noaa.gov/sfa/hms/>).

3.1 Northern Albacore

- Where is it fished? I have not encountered this species in my fishing area.
- Northern albacore is important for the recreational fishery and steps should be taken to address their concerns as well as the commercial industry.
- While it is generally advisable that the United States actively encourage the International Commission for the Conservation of Atlantic Tunas (ICCAT) to develop and implement an international rebuilding plan for northern Albacore, it should not do so until domestic landings estimates are refined, particularly since the United States appears to account for such a small fraction of Atlantic-wide northern Albacore landings.
- The United States should not be restricted below the current cap of 607 metric tons (mt).
- The United States should encourage ICCAT to develop a rebuilding plan as long as it does not include reductions for U.S. fishermen. U.S. fishermen have typically borne the largest burden when conservation is required. This should not be needed this time because the U.S. fishery for albacore is *de minimis* in the Atlantic.

3.2 Bluefin Tuna (BFT)

3.2.1 Quota Allocations

- NOAA Fisheries should include the North Carolina petition regarding the BFT quota allocation in Amendment 2. The BFT quota allocation should be anywhere between 10 and 22 percent or 150 mt.
- A December to January BFT general category sub quota period is needed.
- NOAA Fisheries should keep the *status quo* General category split season allocation of 60/30/10 percent.
- NOAA Fisheries should not extend the General category fishing season into January.

- NOAA Fisheries should not re-open this controversial issue regarding BFT quota allocations.
- BFT quotas are critical for the South Atlantic Fishery Management Council (SAFMC). NOAA Fisheries should make timely and equitable rulemaking so fishermen can plan. NOAA Fisheries should look at increasing the economic benefit.
- A petition requested that a 150 mt subquota for the December to January fishery in NC be considered in the EIS.
- NOAA Fisheries should establish a BFT category specifically for the entire South Atlantic region. This category should reserve a portion of the quota for south of North Carolina to ensure access to the fishery by anglers throughout the region.
- Any change to the General category BFT quotas, such as the one petitioned for North Carolina, could have a negative impact on the New England commercial BFT fisheries. Poor early season catches result in a larger October to January sub-season quota that, instead of rolling over to the next season, could be caught in North Carolina. There is no justification for further concessions to North Carolina. Catch records, the existing New England tuna fishery, and current management practices all support a position that protects traditional BFT fisheries and limits mortality from new fisheries.
- Over the last 50 years, aggregations of BFT have resulted in local fisheries that rise and fall. This has been seen off of Nova Scotia and the mid-Atlantic. It may be occurring now off of North Carolina.
- Because the yellowfin tuna (YFT) in the Gulf of Mexico do not bite in the winter, and because NOAA Fisheries implemented a minimum landing requirement for BFT, NOAA Fisheries has taken Gulf of Mexico fishermen out of the BFT fishery. We used to be able to bring in two BFT, and we got top dollar for them. With the weight/catch requirements, we have not been able to catch any BFT quota. The quota has been transferred to fill gaps so other fishermen can catch them. I would like to see the BFT requirements go back to the way they were ten years ago. The BFT caught here after April 1 are worthless because of their fat content.
- The BFT season should be extended. As the tuna reach Maryland, the fall season closes. Fishermen should have the opportunity to retain tunas in the fall.
- We need an extended commercial BFT season. I thought the HMS Advisory Panel had agreed to go to Friday, Saturday, and Sunday closures for the recreational fleet.
- Are we actually considering changes to the tuna allocation percentages? If so, then there needs to be some consideration given to concerns about a lack of information regarding catches from the angling category.

3.2.2 Quota Transfers

- The BFT purse seine quota allocation should be available for transferring among vessels. Will the allocation be sold or can it come back into the pool?
- BFT purse seine permit holders should not be allowed to transfer quota to other permit categories. NOAA Fisheries should use the rulemaking process to re-allocate BFT so the public has input.

- Quota transfer should be divided by categories.
- While we support full utilization of the U.S. BFT quota, we caution against inter-season transfers between categories, particularly between the General and Angling categories.

3.2.3 Other

- The school BFT limit of eight percent is too low. NOAA Fisheries needs to work with ICCAT to get this limit increased to 15 percent. Six fish in the late summer is a boon to the charter fishery, but the headboat fishery needs even further liberalization.
- NOAA Fisheries should change the regulations to allow the sale of BFT less than 73 inches in order to undermine any incentive for illicit sale of these fish by recreational fishermen on a black market.
- To assist in accurate monitoring of BFT less than 73 inches, NOAA Fisheries should require tagging of all BFT and allow the sale of these fish. This would enhance economic export opportunities as Japanese markets currently have a preference for 90-170 pound (lb) size fish.
- NOAA Fisheries should revisit the prohibition on sale of BFT that was put in place in the early 1990s.
- Eliminate the requirement for tagging in the catch and release BFT fishery. This is a source of additional mortality and paperwork and is a safety issue.

3.3 Tuna Filleting at Sea

- Processing tunas at sea should not be allowed. It allows for cheating.
- NOAA Fisheries should not allow filleting of fish at sea because there is already too much misreporting, mischaracterization of species identification, and violation of size limits in the recreational fishery. Allowing fillet would only exacerbate the problem.
- Processing at sea is a problem. Many recreational vessels are limited by hold size. Allowing processing at sea would significantly increase landings in the recreational sector.
- Filleting tunas at sea for party boats is a practical thing to do on the steam home from a fishing day. However, opportunities to violate species catch quotas will increase. Specifically, BFT might be filleted and recorded illegally as YFT. For this reason, filleting should not apply to charter or angling vessels.
- Allowing the tail to be removed is OK, but allowing a fish to be filleted often includes the removal of the skin.
- Currently, we cut the tails off the fish with a hacksaw to bleed the fish.
- While processing at sea mollifies the recreational fishery, it does nothing for the commercial fishery. Do not provide opportunity to increase harvest. This will result in more fish caught because a charter vessel can hold more filleted fish than whole fish.
- If filleting is allowed for one sector, it should be allowed for all sectors.
- There is no need to process the fish at sea. Why would this apply to the recreational fishery and not to the commercial fishery?
- We support processing at sea for the commercial fishery.

- NOAA has made it illegal to consume fish at sea. This needs to be changed because all fishermen consume fish at sea.
- Filleting at sea is a good thing. Vessels should have the option to have an enforcement agent aboard to examine the fish as they are caught. Landing could also be coordinated with state enforcement.
- We support filleting at sea because it would allow the fish to be put on ice sooner, improving the quality of the meat, angler satisfaction, and public safety.
- In recent years, 23 vessels have been issued exempted fishing permits allowing them to fillet tuna at sea. These vessels have retained the racks allowing for enforcement to inspect the size, species, and bag limits.

3.4 Swordfish

3.4.1 Bag Limits and Other Restrictions

- If swordfish are overfished, why would NOAA Fisheries consider allowing an increase in recreational landings?
- How can NOAA Fisheries consider increasing the recreational bag limit when the commercial Florida East Coast closure is still in effect?
- The only reason and result of higher recreational bag limits is illegal sales.
- Swordfish fishery is not recovering to what it once was. Biomass may be increasing, but the fish are still juveniles. Do not liberalize retention limits yet.
- Although the swordfish population is rebuilding, recent gains have yet to be realized by recreational fishermen in the northern part of its range. Any regulatory changes that increase southern landings need to consider impacts on northern fishing opportunities.
- Years ago, the main fishery in New York was swordfish; tunas were bycatch. I have seen no evidence of that fishery being recovered. I'm curious as to why the historical participation does not count regarding quota allocation, i.e., southern areas getting over 52 percent of recreational quota.
- NOAA Fisheries should consider the recreational swordfish fishery along the East Coast when considering changes to the bag limit. With a directed fishery, such as along the Florida coast, current bag limits may be appropriate to prevent excessive harvest. However, for the majority of the East Coast, catching a swordfish is a rare event. Thus, it may be appropriate to relax the limit in rare event areas.
- NOAA Fisheries should levy heavy fines and permanent permit sanctions if any bag limit fish are sold, traded, or bartered.
- NOAA Fisheries should evaluate the performance of the recreational fishery in the last five years to determine the feasibility of increasing the retention limits in respect to the U.S. quota.
- Any adequate examination of the effect or need of a bag limit must include an analysis on the effects of each bag limit alternative, i.e., how many fishing trips are impacted by the current bag limit, how many would be impacted by the proposed changes, how are the overall recreational landings affected by various bag limit alternatives, etc.

- Why does a recreational fisherman need to harvest more than one swordfish per day?
- NOAA Fisheries should allow one swordfish per trip per paying customer on headboats only.
- NOAA Fisheries should not limit recreational fishermen with a bag limit. Rather, NOAA Fisheries should promote rod and reel fishing for swordfish.
- Because the United States is not catching its quota, NOAA Fisheries should not constrain the recreational fishery.
- NOAA Fisheries should not allocate the swordfish quota at this time.
- NOAA Fisheries should repeal the recreational bag limit and replace it with a larger minimum size.

3.4.2 Inseason Adjustments

- There is no credible science to justify the need to provide for an in-season adjustment.
- In-season adjustments are a nightmare for BFT. Why would you want to do it in the swordfish fishery as well?
- Allowing NOAA Fisheries to adjust the in-season swordfish retention limit is fine as long as Massachusetts' fishermen are not excluded from the fishery due to an early closure associated with high southern landings.
- Management should base recreational specifications for swordfish on a 3-year average. This will allow anglers to make business decisions without the uncertainty of mid-season adjustments and will buffer the fishery from high variability and the potential for excessively restrictive management measures.
- The angling community best accommodates and adjusts to bag limits that are set in place on an annual or longer basis.

3.4.3 Other

- One objective of the HMS FMP was to rebuild the swordfish stock such that recreational fishermen may enjoy an enhanced recreational experience. This objective is just beginning to come into fruition.
- Fishermen in the area of the Florida Straits are concerned about new entrants into the swordfish handgear fishery.
- NOAA Fisheries has diminished the pelagic longline fleet to the point where the full swordfish quota is not being taken. This will ultimately result in losing the quota to foreign fishermen, which is to the detriment of the Nation and conservation and management of other marine species.
- NOAA Fisheries needs to work with Florida Department of Environmental Protection Law Enforcement to address concerns about illegal and unreported sales of swordfish that is occurring along the East Coast of Florida.
- The IO paper states that few swordfish were landed in the past by recreational fishermen. This is untrue unless the past only includes the last decade.

3.5 Sharks

3.5.1 *Large and Small Coastal Sharks Quotas*

- NOAA Fisheries needs to reduce discards in the shark fishery but should not create a reserve quota to do this.
- The idea of a reserve quota should wait until after the next stock assessments. A reserve quota at this point may cause additional unnecessary hardships on fishermen.
- NOAA Fisheries should not pad the reserve. Leave the quota to the resource.
- NOAA Fisheries should create a reserve quota category.
- NOAA Fisheries should deduct a reserve quota to cover all incidental catches before providing a directed quota allocation for sharks.
- NOAA Fisheries should create two quota categories, directed and incidental, and allow directed fishery permit holders to continue to fish under the incidental permit trip limits when the directed fishery is closed.
- If a quota is set aside for incidental permit holders, it should not exceed 100,000 lb dressed weight (dw) large coastal sharks (LCS) or small coastal sharks (SCS) annually to start.
- NOAA Fisheries should go back to two shark fishing seasons and one quota.
- There is no reason for species-specific quotas, especially for finetooth sharks. We just need to get the dealers and fish houses to correctly identify shark species.
- Shark quotas should be designed for the species rather than the complex.
- Amendment 1 to the HMS FMP adopted a less precautionary approach with regard to quota reductions (a 45-percent reduction rather than the 50-percent reduction called for by the stock assessment); NOAA Fisheries should revisit the issue of appropriate catch rates.
- Fishing mortality must be reduced on finetooth sharks to the point that overfishing is stopped. This will require a reduction in the small coastal shark quota in addition to measures to reduce bycatch of finetooth sharks in other FMPs.
- A buyout could help fit the directed shark fleet to the available shark quotas.

3.5.2 *Large and Small Coastal Sharks Status*

- I have several vessels operating (in other fisheries), and the sharks are more than we can handle. We fish from Panama City, Florida to Texas, and the sharks are all over us. Please raise the quotas for them.
- Blacktip sharks are very thick here.
- There are way too many sharks in state waters and near oil rigs. These sharks are problematic for tuna fishermen.
- We cannot fish inside of nine miles here. On every dive for the past year I have seen a shark in state waters. There are three reasons there are more sharks: (1) the nine-mile state shark sanctuary; (2) the Florida net ban (too much baitfish); and (3) charterboats dump carcasses in the pass.
- The IO paper is a “micro” not a “macro” document in reference to species of sharks that may be overfished but hidden under species groups that are not listed as such. The numerous species encompassed in LCS and SCS should be managed individually or at a higher “resolution.”

- NOAA Fisheries needs to conduct individual stock assessments on all large coastal shark species that are identified to Congress as overfished. Many of these species are of minor occurrence historically, have rarely been targeted, and have no market value. These species are probably not overfished.
- NOAA Fisheries needs to conduct a species-specific stock assessment of dusky sharks.
- Dusky sharks were listed as “vulnerable”; there should be a stock assessment for the species.
- The IO paper fails to address the persistent issue of overfishing in the large coastal shark complex and to offer sufficient options to reduce bycatch of a number of vulnerable coastal and pelagic shark species.
- The SCS harvested here have been reported as LCS. The SCS fishery has never been reported correctly here.
- NOAA Fisheries should maintain the current regulations for finetooth sharks until bycatch estimates are considered in the stock assessment.
- NOAA Fisheries should implement measures that would prevent overfishing and rebuild finetooth sharks.
- Adding finetooth sharks to the prohibited species list is not warranted. NOAA Fisheries should work with the States to collect more data and to increase public education. NOAA Fisheries should also increase the monitoring of the menhaden fishery.

3.5.3 Pelagic Sharks Quotas and Status

- Current pelagic shark quotas are based on commercial landings and do not reflect the status of the stocks. Efforts should be made to implement biologically meaningful quotas based on recommendations from the ICCAT June 2004 pelagic shark stock assessment.
- ICCAT actions may take longer but they are the only effective means to conserve and manage Atlantic HMS. In the meantime, combine all pelagic sharks into one quota.
- NOAA Fisheries should consider information on blue and shortfin mako sharks from the ICCAT assessment but should note the uncertainty highlighted in those assessments and err on the side of caution.
- The findings of the current ICCAT stock assessment on shortfin mako and blue sharks should be used to update management/quotas for these species.
- Increase pelagic shark quotas.
- Blue sharks should be catch and release only. They have no utilization for food or sale. They just get dumped in the dumpsters.
- There appears to be fewer oceanic whitetip sharks around now that there used to be; is this due to the commercial fisheries for sharks, including overseas fisheries?
- Few Atlantic sharks are landed in Massachusetts and most of those are taken incidental to pelagic longline operations. As such, separation of quota allocations between the directed and incidental permits would have little impact.
- Silky sharks should be in the pelagic species group, not the large coastal group.

3.5.4 Large Coastal Shark Trip Limit and Other Commercial Restrictions

- Please increase the trip limit for LCS. We have discarded tens of thousands of pounds of LCS since the quota system was established.
- Increase the LCS trip limit drastically. The sharks are plentiful inshore in state waters.
- NOAA Fisheries should increase the tolerance for the shark trip limit.
- North Carolina shark fishermen will need to travel further due to the North Carolina closure and need an increase in the shark trip limit to offset additional trip costs.
- NOAA Fisheries should ease the restriction on the shark trip limits and make it retroactive so fishermen can avoid paying existing fines for exceeding the trip limit.
- Allow a 10 percent tolerance in the trip limit and consider this overage when calculating the quota closures.
- Allow a 10 percent tolerance and use the proceeds to help pay for observer coverage.
- NOAA Fisheries should increase the trip limit to 5,000 lb dw with a 10 percent tolerance for weight variations and a day long wait period for vessels that use the 10 percent tolerance on a trip.
- The trip limit should be either maintained or increased from the 4,000 lb trip limit.
- The 4,000 pound trip limit works out fine. The only exception would be when the strike net gear takes more than 4,000 in one set. Although rare, when more than 4,000 pounds is taken in more than one set, we have to leave gear and come back again to retrieve remainder of catch. This can result in fishing in bad weather and additional bycatch.
- The trip limit should be maintained due to recent changes in the regulations and pending the 2005 and 2006 large and small coastal shark stock assessments.
- The trip limit should be reduced.
- NOAA Fisheries has more pressing matters than an analysis of an array of trip limit options. NOAA Fisheries should instead focus on the priorities of ending overfishing, minimizing bycatch, and addressing habitat mandates before tinkering with individual measures.
- NOAA Fisheries needs to state how many of the directed and incidental permit holders are active and how many have no landings in recent years. This will aid in clarifying some issues such as trip limits.
- Limiting the length and soak time of shark bottom longline gear and gillnet gear might reduce mortalities of protected species and exceedance of the trip limits.
- Gear limitations such as limiting the length of the line to 15 miles and the number of hooks to 1,000 would encourage rapid transit to the market, thus benefiting consumers, and provide flexibility to the fleet to improve business choices.
- Limit shark bottom longline gear to 10 miles or less in length.
- Establish a maximum of 10 hour soaking time for bottom longline gear.
- NOAA Fisheries should reanalyze the size limit option for the large coastal shark fishery to protect sensitive life stages.
- There is concern surrounding the recent removal of the minimum size on commercially caught sharks. Observer data show that large sharks can survive

post capture in commercial fisheries. The justification to remove this limit that too many sharks will die post-release is not good enough.

3.5.5 *Gillnet fishery*

- Gillnet fisheries need to be maintained.
- Shark gillnet fishermen have worked with the fishery management councils to decrease bycatch. If measures are not taken, NOAA Fisheries should consider a buyout.
- The shark gillnet fishermen should be bought out.
- NOAA Fisheries should consider a buyout for the gillnet fishery based on the value of past business and the real value of the vessel. The money should not come from a loan placed on other sectors of the fishery.
- Requests by the industry for a buyout indicate that modifications to the gear to reduce bycatch may not be possible.
- Work with experienced fishery participants to develop effective bycatch methods.
- NOAA Fisheries should maintain the current gillnet gear and conduct an experimental fishery to develop alternatives to reduce bycatch.
- Using gillnet to direct on sharks should be phased out to protect overfished sharks.
- If gillnet gear continues to be allowed, the observer coverage needs to be expanded to 100 percent with VMS and an independent review of the observer protocol should be made.
- At a minimum, shark gillnet vessels should be required to have year-round VMS. This will help States enforce and monitor the regulations.
- Gillnet fishermen should be required to state where they are going to fish before they leave port.
- Remove gillnets as an authorized gear. Gillnets have been banned in many other fisheries and in many state's waters.
- Gillnets should not be allowed in Federal waters.
- By allowing gillnets, NOAA Fisheries has pre-empted the State of Georgia's conservation efforts by making the State's law unenforceable. If the gear is not prohibited fishery-wide, gillnets should at least be prohibited off of Georgia.
- There are no directed shark gillnet fisheries off of Massachusetts.
- There is a shark strike gillnet fishery in Alabama state waters.
- Amendment 16 of the Coastal Migratory Pelagics FMP (joint South/Gulf Councils) is considering an increase in the incidental harvest of king mackerel in gillnet fisheries which could be at cross purposes with the HMS Amendment 2.
- If gillnet gear is allowed, NOAA Fisheries should examine the conversion to strikenetting to determine its effectiveness and impact.
- Bycatch (e.g., threatened or endangered species, finfish, sailfish, and tarpon) in shark gillnet fishery should be evaluated.
- Less than 100 percent observer coverage in the gillnet fishery fosters non-compliance of the mandatory gillnet check requirement.
- If the nets are size selective, allowing smaller fish to swim through while larger fish are repelled, they are gillnets. If they entangle fish without regard to size, they should be described as entanglement nets.

- The strikenet method has shown itself to be a clean fishery but can lead to exceedance of the trip limit for blacktip sharks. An allowance for this should be made to prevent ghost nets and regulatory discards.

3.5.6 Other Species-Related Concerns

- NOAA Fisheries should coordinate with the Atlantic States Marine Fishery Commission's dogfish/coastal shark management board and the Gulf States Marine Fishery Commission for comments relevant to the shark portion of Amendment 2.
- NOAA Fisheries should provide a clear report on the size of state landings during Federal closures and develop a cooperative strategy with the states for achieving seamless state/Federal Atlantic shark management.
- The consensus reached at the International Union of Concerned Scientists (IUCN) meeting in Florida attended by academics, government biologists, and non-Governmental Organizations (NGO) representatives was that oceanic whitetip, porbeagle, scalloped hammerhead, and great hammerhead should be added to prohibited species list. The IUCN lists these species as vulnerable, endangered, or critically endangered.
- Smooth dogfish are not managed and should be included in HMS management regime.
- Improve coordination between Federal and state management agencies concerned with sharks.
- Deepwater sharks should be managed as prohibited species.

3.5.7 Other

- During a period of sea turtle mortality, measures must be imposed in the shark fishery as well as the shrimp fishery.
- Because enforcement can easily recognize dusky shark fins by the size of the 2nd dorsal and anal fin, a lot of fishermen remove those fins and call them "chips." NOAA Fisheries should require sandbar and dusky sharks (or all sharks excluding the lemon) be landed with the 2nd dorsal and anal fins intact.
- There is potentially a high level of highgrading in big prize shark tournaments. Additionally, numerous sharks that reach dockside are dumped as well.
- The significant recreational shark fishery of the 1970s and 1980s is not discussed in the IO paper.
- Require bottom longline fishermen to move with unacceptable number of encounters with protected or endangered species.
- It is not fair to Federal permit holders that Louisiana fishermen can fish in state and Federal waters.
- The IO paper lacks goals, timetables, and milestones toward conserving sharks and their habitats.
- Shark academics have been gaining millions of dollars from Congress for shark research. They should be doing stock assessments.
- The Department of Commerce collapsing the directed shark fishery after helping encourage it into existence two decade ago is wrong. NOAA Fisheries must help stabilize the shark industry and prevent further economic harm to this way of life.

3.6 Billfish

3.6.1 Circle hooks

- With the circle hooks, do the fish eat the bait? What is the billfish mortality rate?
- NOAA Fisheries should develop cooperative research programs to study the effect of circle hooks in recreational fisheries.
- Without the proper handling and hook type, some fish may die after release due to a number of different factors including predation due to exhaustion and injuries sustained during catch. Recent studies indicate that fish caught on circle hooks are more likely to be jaw hooked, as opposed to gill or internally hooked, and are therefore more likely to survive.
- Circle hooks do not catch and hold.
- NOAA Fisheries should not require mandatory circle hooks.
- Circle hooks do not work. While I catch marlin with J hooks in them all the time, I have never caught a marlin with a circle hook. Therefore, J-hook-caught fish survive while circle-hook-caught fish all die.
- Circle hooks increase mortality of billfish and other species due to deep-hooking.
- The required use of circle hooks is not warranted and of limited value. I support only catch and release on billfish or any species including all tournaments.
- Most recreational fishermen already use circle hooks when using natural baits; a mandatory requirement is unnecessary.
- The switch to circle hooks would require high speed lures to shift to bait and reduce the speed. Sharks strike at slow speed trolling so requiring circle hooks could increase the bycatch of sharks.
- When used in the high speed lure trolling fishery, J hooks do not catch the fish deeply. Thus, if circle hooks are required it should only be with live and dead bait, not high speed lures.
- Circle hooks are not good for high speed trolling and this issue should be addressed by gear type and not by fishery sector.
- Circle hooks should be voluntary, because they do not work with trolling gear.
- Circle hooks are appropriate for use with live bait but should not have an offset because the offset will increase the likelihood of gut-hooking an HMS.
- Circle hooks should be mandatory for all HMS hook and line fisheries, including recreational.
- Many fishery managers in different states are requiring the use of circle hooks in hook and line fisheries because of the low rate of post-release mortality.
- We support the use of circle hooks.

3.6.2 Certificate of Eligibility (COE)

- NOAA Fisheries needs to improve the COE program to verify the billfish being eaten are not Atlantic.
- Billfish importers/exporters should be required to obtain the HMS international trade permit (ITP).
- Billfish importers/exporters should be required to file the same COE as other HMS importers/exporters.

- NOAA Fisheries should require the use of a standard COE form and submission to NOAA Fisheries.
- NOAA Fisheries should improve verification and documentation of the origin of Atlantic and non-Atlantic billfish and increase enforcement of illegal sales of Atlantic billfish in U.S. waters and territories.
- If a dealer intends to sell billfish, the onus should be on the dealer to fill out and submit a standard COE certifying the fish was not taken from the Atlantic.
- Do not allow any billfish to be imported and get rid of the billfish COE.
- The billfish COE form is a joke. Why allow imports of billfish if it is illegal for U.S. fishermen to retain them here?
- COE does not apply to S. Atlantic fish. This is not clear and is confusing.
- We are concerned over the expanding marlin fishery in the Pacific. Such a fishery may allow for illegally landed Atlantic marlin to enter the market. NOAA Fisheries should investigate this issue.

3.6.3 Reporting Requirements and Outreach

- The U.S. should provide funding or programs to spread knowledge about the benefits of catch and release fishing for billfish. Fishermen from the Dominican Republic kill most billfish they encounter. Puerto Rican fishermen could distribute informational pamphlets about the status of billfish stocks to fishermen from neighboring islands.
- NOAA Fisheries needs to do a complete census to collect recreational data. South Atlantic states are already doing this.
- Most recreational fishermen are unaware of the need to report non-tournament harvest of billfish. As such, an internet-based program is not going to be more effective unless it is also coupled with a landing card program. State cooperation is integral to the success of this program.
- How is the recreational catch of billfish determined?
- NOAA Fisheries makes no effort to quantify numbers of vessels, effort, catches, landings, bycatch, and/or trends of billfish landings for the recreational or charter fishing sectors.
- Except for tournament registration rules, no significant data collection improvements have been attempted during the past years to assess U.S. recreational catches and mortalities.
- If NOAA Fisheries had made reasonable estimates of catches and mortalities, the current ICCAT recommendations would not be so onerous.
- All billfish landings should be reported over the internet.
- Increase outreach for recreational billfish reporting.

3.6.4 Artisanal Fishery

- NOAA Fisheries should not include provisions for an artisanal fishery. Previous exemptions were not implemented in the past and therefore are not necessary.
- The United States cannot unilaterally exempt any fishery segment, including artisanal, from ICCAT quotas. If the quota is necessary to cover the artisanal fishery, then the United States must secure the quota from ICCAT.

- Why does NOAA Fisheries refer to the artisanal fishery as “artisanal” and not “subsistence”? Is it because the participants and their yachts would not qualify as “subsistence fishermen”? According to the Caribbean Fishery Management Council, the illegal billfish landings in the Caribbean are from recreational fishing vessels, not artisanal vessels.
- Artisanal fisheries could have a serious impact on all recreational fisheries and should be phased out.
- We do not support the resurrection of the artisanal fishing issue. The status of blue and white marlin has declined since the publication of the original FMP. The plan was never fully implemented because the Caribbean Council did not satisfy all the conditions of the plan. The imposition of the 250 cap further complicates the issue.
- NOAA Fisheries needs to make sure that the artisanal fishery is restricted to selling fish in Puerto Rico only and that the fish are not counted against the 250 limit.
- Any sales from the artisanal fishery should only be local. This could be done by adding a stated prohibition against export.
- Implement an artisanal fishery in Puerto Rico.
- All of the U.S. Caribbean needs to be involved in this issue, not just Puerto Rico.
- NOAA Fisheries must prohibit all landings of blue and white marlin, except for an allowance of some landings for the artisanal fishing in the Caribbean.

3.6.5 Billfish Stock Status

- Is there a depletion of billfish on the Southern Coast?
- The State of Georgia would not mind if NOAA Fisheries phased in a catch and release requirement and maintained that until the stocks recover.
- Due to the small percentage of billfish taken by both the commercial and recreational U.S. fisheries, it is unlikely that additional domestic measures will have significant effects on Atlantic-wide populations.
- What is the status of the petition to list white marlin? What would happen to the recreational fishery if white marlin were listed under the Endangered Species Act (ESA)?
- NOAA Fisheries missed the boat by trying to restrict domestic fisheries that are less than one percent of the total Atlantic-wide catch.
- Recreational fishermen are not the billfish problem; Illegal, Unreported, and Unregulated (IUU) longlining is the real problem.
- NOAA Fisheries must investigate the potential effects of post-release mortality on the huge and under-reported recreational catch and releases of billfish. Given the relatively few billfish encountered, mortality by the pelagic longline fleet cannot possibly be holding back the stock recovery.
- Recreational fishermen are catching and releasing more billfish than the U.S. longline fishery throughout its range of operation.
- Any change to the fishery should not impact the 250 fish allowance since the artisanal fishery is considered commercial harvest.

3.6.6 Landing Limits

- NOAA Fisheries should increase billfish size limits.
- NOAA Fisheries should increase the minimum size for marlins and phase-in a catch and release only program.
- Maintain current landings limitations to ensure compliance with the ICCAT quota.
- White marlin landings should be prohibited.
- Recreational fishermen already release all white marlin and most blue marlin; therefore catch and release regulations are unnecessary. The blue marlin that are kept are already dead. The number of blue marlin kept by recreational fishermen is small compared to those killed by commercial fishermen.
- NOAA Fisheries should allow more restrictive State measures regarding billfish to prevail over Federal measures.
- We support Options 2 through 6 as presented in the IO paper regarding billfish landing limitations. We could support Option 7 under certain conditions to improve recreational catch data on marlin.
- We support the use of landing tags for billfish landings. This will prove that few fish are landed.
- The IO paper does not discuss the 250 marlin cap or its implications for the fishery.
- NOAA Fisheries should discuss the impact of the bycatch counting methodology for bycatch from longlines on the 250 fish limit.
- NOAA Fisheries could create marlin fishing seasons to avoid known spawning times and areas.

3.6.7 Other

- Will there be a pinpoint study on the billfish issues?
- You are not just amending Amendment 1 to the Billfish FMP, you are amending the entire Billfish FMP because Amendment 1 did not replace the original FMP.
- NOAA Fisheries has not done enough to achieve the objectives of the Billfish FMP including those regarding enhancing the recreational fishery.
- The IO paper does not reflect that the original Billfish FMP developed by the five Councils remains in effect and the importance of maintaining the original provisions of that FMP.

3.7 Tournaments

3.7.1 Registration and Reporting

- NOAA Fisheries should maintain the status quo for tournament registration. Why create more bureaucracy by issuing permits?
- In general, NOAA Fisheries should try volunteer programs before mandatory programs; similar to the tail wrap program for BFT in Maryland. That program works well and all fish are counted.
- Changing from registration to permitting of tournaments is not necessary and would be expensive for both parties. The problem could be better solved through constituent cooperation.

- Has the number of tournaments increased, or is the number a reflection of the registration requirement?
- Require an HMS tournament permit.
- Mandatory tournament registration should be continued with a 100 percent reporting requirement. This could be streamlined and more effective if accomplished online.
- All tournaments should be required to report landings. Only selected tournaments should report effort.
- All tournaments should be required to report.
- All tournaments are already required to report.
- We agree with the need for complete data, biological and economic, from all tournaments as long as the data collected focuses on the tournament and its directors and not individual participants.
- The same information should be collected for all billfish tournaments. It seems that a lot more information is required for sailfish tournaments than is required for blue marlin tournaments.
- Any HMS tournament that does not comply with all requirements should be denied the ability to conduct future HMS tournaments, in addition to fines and other sanctions.

3.7.2 Format

- Corrodible hooks, regardless of type, should be used in all fisheries.
- NOAA Fisheries should require non-stainless, corrodible circle hooks in tournaments. They result in less gut hooking not only for protected species but also for gamefish.
- Circle hooks should be required.
- Tournaments will not survive if circle hooks are required.
- NOAA Fisheries should not use circle hooks because they will result in higher mortality of billfish, especially on “drop back” baits.
- Handling and release equipment should be required.
- Increasing minimum size limits would have the least economic impact on tournaments.
- Tail tags should be required at tournaments.
- NOAA Fisheries should not sanction billfish tournaments.
- NOAA Fisheries should require circle hooks and catch and release for tournaments.
- NOAA Fisheries should consider alternatives that require circle hooks with natural/live bait, not artificial lures.
- NOAA Fisheries should not allow white marlin to be killed in tournaments; blue marlin are only killed in sanctioned tournaments.
- Billfish tournaments should be mandatory catch and release.
- No new “kill” tournaments should be allowed for any HMS species.
- Most tournaments have stricter limits than Federal limits; it is hypocritical to prevent new kill tournaments if it is not against the law.
- If landed billfish numbers are going down, it's because the tournaments are all no kill. Fewer and fewer billfish are actually landed.

- Tournament-only landings would not be fair to persons who do not participate in tournaments, would be wasteful of fish accidentally killed, could deny landing a world record fish, and would be socially and economically bad for fishing communities that rely on recreational fishing.
- We reject Options 2 through 5 in the IO paper regarding tournament format. Billfish tournaments with a “kill format” make a major contribution to coastal economies with little impact on billfish stocks.
- Fishing tournaments are conducted by private entities that should have control over the format of their events. Any effort to impose tournament format conditions is likely to be unenforceable and may result in a decline in participation.
- NOAA Fisheries should not allow catch and release tournaments that determine winner based on number of fish captured. This practice can result in careless handling of fish, and higher post-release mortality.
- The tournament industry will not survive with release-only tournaments.
- Is the use of light tackle and long fight times increasing billfish mortality, particularly in catch and release tournaments?
- The exemption for General category fishermen to fish in tournaments should be removed and a General category vessel should be allowed to retain shark or swordfish recreationally or allowed to obtain a permit to do so. A potential loophole already exists as someone could establish a year-long tournament to avoid the permit requirement.
- Under the current regulations, General category fishermen are discriminated against because, unlike HMS anglers, they are not allowed to retain BFT less than 73” when participating in a tournament.
- Are hooking rates reported and taken into account in stock assessments?
- Tampering with tournament formats for the convenience of a government agency will upset many constituents and should be avoided.

3.8 Bycatch

3.8.1 Recreational Concerns

- Bycatch is not a problem with the recreational fishery because they are released alive as soon as they are caught.
- NOAA Fisheries has ignored previous input from the recreational fishermen. One such recommendation was to have an area of a couple of miles around the mouths of rivers and hot recreational fishing sites prohibited to longline fishing.
- All bycatch should be eliminated; the recreational fishery has none.

3.8.2 Longline Concerns

- While the billfish bycatch problem appears to be overwhelmingly the result of the longline industry, NOAA Fisheries is not doing anything to the longline fishermen.
- The absence of alternatives to reduce the 66 mt of marlin bycatch that occurs annually in the U.S. longline fishery is unacceptable. Additional time/area closures are needed.

- Longline fishermen need to check the lines frequently for bycatch, since all the longline caught billfish are thrown over dead and all of the recreational catch are returned alive.
- Longliners are fishing inside the 50 fathom curve, and among other fish, the red snapper is being killed in the thousands without NOAA Fisheries lifting a finger.
- Pelagic longline fishing is one of the most conservative methods of commercial harvest; the entire catch consists of pelagic species with little waste. It is primarily U.S. fishery managers who have artificially manipulated this harvest method through misguided and impractical regulations to discard, live or dead, an increasing percentage of its catch.
- The longline fishery should be required to have non-stainless corrodible circle hooks.
- All past data on pelagic longline catches is obsolete now that only circle hooks are permitted.

3.8.3 General Concerns

- All commercial and recreational HMS hook and line fisheries should have mandatory circle hooks to enhance the survivability of all bycatch/discard releases.
- All commercial and recreational HMS hook and line fisheries should have mandatory Careful Handling/Release tools and protocols.
- Live bait should be prohibited in all fisheries and areas known to have billfish interactions.
- All commercial and recreational HMS hook and line fisheries should have mandatory compliance with ICCAT conservation methods including country- and fishery-specific quotas, target catch limits, and minimum size protections.
- NOAA Fisheries should not use current bycatch or discard data to develop any further unilateral fishery management measures until comparable data is acquired from all HMS fisheries. NOAA Fisheries should collect at least one year's worth of data from all fisheries.
- No matter what you call them, discards are bycatch from a scientific perspective.
- Any website on bycatch should be kept up-to-date as an educational resource.
- We support the options in the Bycatch Reduction Implementation Plan and note that we feel NOAA Fisheries should prioritize in this order: 7, 2, 4, 3, 6, 5, 1, 8, and 9.
- The actions in the Bycatch Reduction Implementation Plan will not sufficiently address the HMS bycatch problem. Logbook data collection has been investigated previously in this fishery; further investigation will not address bycatch issues. While we support time/area closures and gear restrictions, the overall suite of management measures present few new measures and do little towards meaningful reductions in bycatch.
- We would like a report outlining the costs and benefits of the options presented in the Bycatch Implementation Plan.
- NOAA Fisheries should establish a system of meaningful limits on bycatch, such as hard caps, to ensure accountability and progress towards reducing bycatch. This system should set limits on fishing mortality of all marine life, provide

- accountability by dividing these limits by sector of the fishery (gear type, area, vessel size, target species, etc), stop fishing when the limit is reached, reward clean fishing by shifting fishing opportunities to sectors that catch less bycatch, prevent a race to the fish, include a process to review caps overtime, and result in a reduction in bycatch over time.
- The use of real-time reporting of bycatch and the use of VMS will allow periodic updates to vessels, captains, and owners and allow for in season management of bycatch caps.
 - NOAA Fisheries should apply ecosystem management to effectively reduce discards in HMS fisheries and remove rules that prohibit co-retention of fish that co-mingle (e.g. swordfish/tuna/sharks).
 - NOAA Fisheries should examine the possibility of high grading for BFT on longline vessels operating in the Gulf of Mexico. If this is occurring, then the number of BFT discarded dead might be underestimated. This could have implications on a known spawning ground.
 - NOAA Fisheries should work with active fishery participants to develop effective bycatch reduction methods.
 - NOAA Fisheries should complete research similar to that done in the Northeast Distant Experiment in the South Atlantic with attention to demersal gear/species and in warmer waters.
 - Monitoring of the shark fisheries should estimate total effort, detect adverse effects resulting from other fisheries, assess the actual level of incidental takes of protected resources in comparison with the anticipated incidental take statement (ITS), collect improved data for protected resources, and determine the impact of the reasonable and prudent measures in the Biological Opinion (BiOp).
 - The HMS charter/headboat fishery, because it is a commercial fishery, should comply with all the conditions of the June 2004 BiOp.
 - NOAA Fisheries should implement a U.S. import comparable sea turtle safe conservation measure certification program on all HMS products.
 - NOAA Fisheries needs to continue experiments to minimize sea turtle bycatch including experiments on non-offset circle hooks, 20/0 circle hooks and larger, additional bait options, and post-hooking effects.
 - The Incidental Take Statement (ITS) for smalltooth sawfish in the October 2003 BiOp appears too high although mortality seems low. Further analysis may be needed.
 - The options to reduce bycatch in the IO paper were limited.
 - We are pleased to see a full range of options in regard to a comprehensive strategy to minimize bycatch in HMS fisheries.

3.9 Time/area closures

3.9.1 Current Closures

- Maintain the DeSoto Canyon longline closures to allow the HMS fishery to continue to recover.
- Keep the DeSoto Canyon closed to longline fishermen. They kill too many fish.

- NOAA Fisheries should adjust the East Florida Coast closure so the coordinates actually reference the Exclusive Economic Zone (EEZ) line. As they read now, they are approximately ½ nmi shoreward of the EEZ.
- Do not reopen the area south of Destin, Florida to longline fishing. I practice catch and release of billfish and have seen an improvement in the quality of fishing since the closure. Longline fishermen kill non-targeted species without regard for conservation and are driven for the pursuit of profit.
- I understand that the closure here is protecting a nursery ground for swordfish. Would it be possible to open the offshore edges of the closure boxes? We have trouble with changing currents and our gear entering the closed areas.
- The fines for a violation of the closed area could be devastating for my business. As far as I know, none of the guys working near the closed areas have set their gear with the intention of letting it drift inside the closed area.
- NOAA Fisheries should modify existing closures based on current data.
- NOAA Fisheries should modify closures if gear often drifts into the closure as a result of currents.
- NOAA Fisheries should allow shark vessels to fish with VMS in the mid-Atlantic shark closed area in January, February, and July to find methods to reduce juvenile mortality other than total closures.
- All vessels with VMS should be allowed to transit closed areas to reduce trucking expenses.

3.9.2 Additional Closures

- Commercial longlining should be banned in all areas.
- Establish marine sanctuaries where no vessels can go at any time in order to let stocks rebuild.
- Close Habitat Areas of Particular Concern (HAPCs), including other Council's HAPCs, unless vessels are properly using circle hooks and handling and release equipment to minimize post-release mortality.
- NOAA Fisheries should consider a western Gulf of Mexico pelagic longline closure.
- The entire Gulf EEZ should be a closed area.
- The Gulf of Mexico Fishery Management Council is on record as requesting the entire Gulf be closed to longlining rather than some areas. This should be an option considered.
- If we cannot cross the EEZ (in the Gulf) and all of the Eastern Gulf is shut, you are not giving us any room to fish anymore.
- Time/area closures for recreational HMS fisheries in the Gulf of Mexico would not be appropriate to reduce landings, especially with less onerous management measures available.
- NOAA Fisheries should incorporate complementary regulations pertaining to fishing in the Madison-Swanson and Steamboat Lumps marine reserves. These requirements would close all HMS fishing in these areas except to allow surface trolling concurrently with the coastal migratory pelagics open season May through October only and close the areas to HMS trolling November through April. These regulations need to be implemented quickly.

- Recreational surface trolling for billfish should not be banned in areas of deep water closed to protect bottom features or bottom fish. This include the Gulf coral areas such as the Flower Gardens, Madison Swanson, and Steamboat Lumps.
- Explore discrete international closures through ICCAT to protect spawning billfish that will apply to all HMS fishing vessels.
- Closing billfish spawning areas and international closures would be proactive and help fast track the rebuilding of these populations.
- We support international billfish time/area closures.
- Bycatch does not occur in HMS recreational catch and release fisheries so time/area closures cannot be applied to the recreational fishing sector.
- The time/area closures should be expanded to include protection for blue and white marlin.
- We do not support time/area closures for recreational billfish fishing since there is no conservation issue in this sector.

3.9.3 Other Comments

- Time/area closures may be effective at reducing HMS bycatch but this has yet to be demonstrated. NOAA Fisheries should develop and improve data collection and monitoring of effectiveness of closures.
- How are you determining if the current closures are working?
- Do EFH identifications lead to area closures?
- NOAA Fisheries should develop criteria for modifying or rescinding a closed area including a deadline for removal or modification.
- We support monitoring the area closures and suggest establishing a mechanism to allow for rapid adjustment, if necessary, separate from the lengthy plan amendment process.
- Modifying the time/area closures could result in opening closed areas or enlarging them. Fish stocks such as swordfish are on the rise but not recovered. If NOAA Fisheries reopens the closed areas to help commercial interests, the stocks will fall again.
- NOAA Fisheries needs to re-evaluate pelagic longline only time/area closures for their necessity and effectiveness and redevelop closures to include prohibiting all HMS hook and line pelagic fishing.
- If time/area closures for fishermen using hooks to target HMS are justified for scientific reasons, such closures should apply to all fishermen using hooks.
- NOAA Fisheries should implement the bycatch reduction plan including investigating a pilot observer study in the harpoon fishery, increasing observer coverage in HMS fisheries, continue post-release mortality research, evaluating the applicability of bycatch reduction measures found in the NED in other areas and fisheries, implement new and improved bycatch reduction techniques, and increase outreach regarding bycatch techniques and the role of HMS as apex predators in the ecosystem.
- Time/area closures, particularly in nursery, pupping, and over-wintering grounds, can be effective for reducing bycatch.

3.10 Recordkeeping and Reporting

3.10.1 Recreational Data Collection

- The Marine Recreational Fishing Statistics Survey (MRFSS) is inaccurate. The numbers are “guesstimates” and do not reflect what is actually caught. NOAA Fisheries should get rid of MRFSS and give the responsibility to the states.
- We need to have body count for the BFT recreational fishery. The change to the Large Pelagic Survey (LPS) methodology cost fishermen a lot of money.
- LPS won't work in the Southeast. Option 9, as explained in the Issues and Options paper, would be best.
- Most of the options presented in regard to recreational data collection offer some improvement. Options 7 through 10 are the most feasible because they include expansion of the LPS, catch card programs, logbooks, and state cooperation.
- Any effort to enhance recreational data should be coordinated with Atlantic States Marine Fisheries Commission (ASMFC) and Atlantic Coastal Cooperative Statistics Program (ACCSP).
- Integrate HMS surveys into ACCSP.
- LPS should be extended to all areas and cover all catches.
- LPS should be expanded to include information on bycatch.
- Until NOAA Fisheries can completely redesign the entire recreational data collection system into one overall comprehensive data system, the scope of LPS should be expanded.
- Any changes in estimation methodology should not take place mid-stream as it undermines any confidence in the numbers.
- Within current surveys, NOAA Fisheries should move towards species-specific landings information, especially for sharks and tunas.
- Combine the surveys into one to simplify the process. Suggestions for simplification include using the one on Tournament.com.
- Use pooling or other extrapolation methods to estimate total U.S. recreational effort, catches, and post-release mortality for management purposes, including ICCAT reporting.
- Require all HMS fishing vessels to comply with dockside interviews by data collection programs and ensure marinas do not impede such data collection.
- Perhaps an incentive can be created to help with recreational reporting. Something along the lines of “No report, no permit” for the next fishing year.
- States should develop tail tag programs similar to those in North Carolina and Maryland. All South Atlantic states are prepared to go to tail tags.
- NOAA Fisheries should require all states with BFT fishery to have tail tags.
- NOAA Fisheries should contact the International Game Fish Association (IGFA) and use their observer data for recreational fisheries.
- Incomplete science continues to show declines for Atlantic billfish stocks despite tremendous catch per unit efforts (CPUEs) by recreational tournaments. ICCAT's recent BFT research cruise failed to find BFT but found abundant white marlin everywhere. Something is wrong.
- What other ways can we monitor the recreational fisheries beyond the LPS and tagging programs? Could logbooks be utilized?

- The most important Atlantic HMS fish is YFT. NOAA Fisheries needs to determine the appropriate way to calculate recreational catch in order to help the United States move forward in aggressively addressing the Gulf of Guinea and yellowfin and bigeye tunas management issues.
- If the United States is to collect more data on the recreational fisheries, other nations should also.
- NOAA Fisheries should not impose another layer of reporting on top of the existing method, as this would destroy the long-term CPUE time series.
- We could support increasing the sample size for MRFSS and LPS for-hire surveys but it may be better to collect census data with logbooks, similar to the Northeast vessel trip report (VTR) system. Logbooks can be as effective and more cost efficient.
- The census program with states should be expanded.
- Increasing the number of catch card programs with assistance from the States could work but would require increased funding.
- NOAA Fisheries could create designated weigh-in stations where HMS anglers could voluntarily bring catch information. The recreational fishing community is responsive to voluntary data collection programs and would respond well to such a program.
- Body landings tags to identify each fish could be a good thing but could be used to limit unfairly the number of fish landed. How could the 250 billfish body landings tags be distributed so they are available for the 23,000 vessels that might want to land a billfish?
- Bycatch does not occur in catch and release fisheries. Thus, data does not need to be collected related to bycatch and recreational fisheries.
- The public at large is not burdened by requiring recreational fishermen to report their effort, catches, landings, and discards of Atlantic HMS, a public resource.
- Recreational fishermen should also have a logbook and 10 percent should be required to report.
- The call-in system should be maintained due to concerns about privacy and confidentiality of reporting over the internet.
- Regarding recreational fishery data collection, we support options 2 through 10.
- The IO paper makes no mention of the Gulf recreational billfish CPUE data system that was established in 1971. The information provided by this data collection has been used by many people for many situations including negotiations that resulted in the Japanese longline fleet volunteering to leave the Gulf of Mexico during the summer months. NOAA Fisheries should expand this proven successful system. Extending LPS into the Gulf could destroy the system.

3.10.2 Vessel Logbook Reporting

- All commercial and recreational HMS hook and line fisheries should have comparable and statistically reliable permitting, reporting, monitoring, and enforcement.
- NOAA Fisheries should have a standardized logbook and dealer reporting system for all HMS fisheries.

- NOAA Fisheries should select a statistically-valid sample size of each commercial and recreational fishery for logbook reporting.
- NOAA Fisheries should eliminate redundancy in reporting and reduce the reporting burden.
- Logbooks for HMS handgear fisheries duplicate requirements for those fishermen fishing for northeast groundfish. Groundfish fishermen should be exempt from HMS logbook reporting.
- NOAA Fisheries should allow for the use of electronic logbooks.
- The charter/headboat fishery should comply with the same data collection requirements of other commercial HMS fisheries including mandatory reporting.
- Some of the information is already included on the Florida Trip Ticket, why make us do more work?
- NOAA Fisheries should integrate reporting with existing or proposed state reporting requirements.
- Forms should be revised to include all data required for scientific use.
- Regarding streamlining the reporting process, we support options 2, 4, 5, 7, 8, 10, and 11. In particular, electronic logbooks should be implemented so managers can compare vessel information with dealer information in a timely manner.

3.10.3 Dealer Reporting

- NOAA Fisheries should continue efforts to streamline and ease the administrative burden of BFT dealer reporting. The internet and web procedures work better than the phone systems that have not worked well in the past.
- Standardize reporting for all HMS dealers.
- Any efforts to reduce repetitive paperwork by fish dealers would streamline the reporting process. As such, we support a comprehensive electronic reporting system provided dealers have internet access.
- BFT dealers should have a comprehensive reporting system that integrates all three current reporting requirements.
- All HMS dealers should have standardized reporting. NOAA Fisheries should make a commitment to use such data.
- Web-based reporting systems do not provide confirmation of receipt and email has been determined by some legal actions to not be private. Thus, confidentiality cannot be assured and we recommend keeping the status quo.

3.10.4 Economic Data Collection

- NOAA Fisheries needs to improve economic data collection.
- Cost earnings information collection is a violation of the Privacy Act. The summary report is a violation of crew's rights.
- The economics of the recreational and commercial fishery need to be comparable, i.e., apples to apples.
- Requiring cost earnings is a bad idea because it has never benefited the fishing industry.
- Continue to require this data from commercial shark and swordfish fishermen only.

3.10.5 Tournament Data Collection

- It would be difficult to get economic data from tournaments. Tournaments do not like to be hampered with reporting requirements.
- Requiring tournaments to report economic data puts an expensive and socially embarrassing burden on tournaments. It is more appropriate for the government to ask for the data than the tournament. Personal financial data is considered confidential in the United States. Tournaments are not necessarily committed to confidentiality and should not need to handle such information.
- NOAA Fisheries must do more to collect socio-economic data on U.S. recreational HMS fisheries including collecting information from fishermen who participate in registered tournaments and tournament operators.
- Selected tournaments should be required to report economic data.

3.10.6 General

- Why not do one data collection that includes the whole year, instead of trip by trip?
- Many of the options you have identified here do not meet specific standards for the data collection, specifically the Data Quality Act (DQA) and the Administrative Procedures Act (APA). NOAA Fisheries needs to have the data to demonstrate that these regulations are well founded in fact. They are not. They are just someone's ideas on excessive control of recreational fishermen.
- The DQA requires specific quality of data to support regulations. The data outlined in the IO paper falls short. It falls short in three areas; clarity, reliability, and transparency.
- The Paperwork Reduction Act (PRA) requires practical utility. The connections are not there. One must have an underlying hypothesis for the collection required. The Office of Management and Budget (OMB) would not allow these measures even if you put them in the amendment.
- NOAA Fisheries should concentrate on a comparable level of permitting, reporting, monitoring, and enforcement across all HMS fisheries to acquire statistically valid scientific data for more effective HMS fisheries management.
- Require a permit for all HMS fishermen.
- No vessels should be allowed to land fish without a permit or reporting. It is inconsistent with management and unfair to those fishermen who do.
- None of the options listed in the IO paper for improving data collection can occur without a sincere financial commitment from NOAA Fisheries.
- The range of alternatives for improving reporting is sufficient but a good analysis of these alternatives will require the inclusion of literature and data sources not usually used by NOAA Fisheries.

3.11 Observer Coverage

3.11.1 Levels and Types of Coverage

- Observers should be monitoring fishing practices and how the fish are caught, not what is caught.

- At-sea observer coverage of 20 to 50 percent is necessary to quantify and estimate bycatch in any fishery, particularly for rare species.
- Require mandatory observer coverage in all HMS fisheries because it is clear that the voluntary program in the HMS FMP has not worked.
- Require a minimum level of observer coverage for selected HMS tournaments.
- Observer levels should be calculated based on hooks observed versus reported hooks fished, rather than sets.
- Continue to place observers on only directed shark and swordfish vessels.
- Observers on recreational vessels would be a waste of taxpayer money. Put the observers on commercial vessels; they are the ones doing the damage to the fish stocks.
- Observer coverage should be increased in all HMS fisheries and should be mandatory in charter/headboat and recreational fisheries.
- NOAA Fisheries should promote the voluntary charter/headboat observer coverage.
- Carrying observers could cause serious problems in the recreational fishery and would not provide good statistical data. Because this is a rare event fishery, putting observers on the vessels would be a waste of resources. Rather, have the observers ashore to observe multiple vessels.
- We support voluntary observer coverage on the charter boat sector as long as the safety and ability of the crew to handle the fish is not compromised. This could be difficult on vessels that are limited to six passengers.

3.11.2 Paying for Observer Coverage

- The industry cannot afford to pay for observer coverage. Instead NOAA Fisheries should do a lottery to select participants.
- Any observer program needs to be funded by the government. The vessels are already burdened too much. NOAA Fisheries, not permit holders, must pay for observer coverage.
- Additionally quota to pay for observer coverage will not work for pelagic longline fishermen because the regulations have diminished the fleet to the point where quotas cannot be fully utilized. NOAA Fisheries should continue the current system of paying for observers and incorporate the cost of carrying observers into permit fees.
- Vessels should be allocated additional catch to offset the costs of carrying an observer or for participating in research.
- If vessels are allocated additional catch to offset the cost of carrying an observer, such catch must stay within the overall total allowable catch established by ICCAT.
- Non-government organizations (NGOs) and the private sector should help pay for observer coverage.
- Fishermen should pay for the direct cost of the observer but not the overhead associated with the program.
- NOAA Fisheries should maintain the current option of paying for observer coverage until the shark market values are increased.

3.11.3 Observer Experience

- The observers cannot do the release methods properly. They have no knowledge of vessels or their operation.
- If you increase observer coverage, please ensure that the observers are appropriately trained. Maybe hire out of work fishermen as observers.
- Inexperienced observers are a problem for fishermen while offshore.
- The shark tagging program is a joke. The female observer that came out did not belong on our vessel.
- Observers who are knowledgeable and properly trained are great.

3.11.4 General Concerns

- Observer coverage requirements conflict with the Coast Guard 6-pack license requirements.
- NOAA Fisheries needs to provide fishermen with incentives to carry observers. One incentive could be to allow commercial vessels to keep all catch on observed trips.

3.12 Workshops

3.12.1 Format

- NOAA Fisheries should conduct workshops. They should not be a great hardship to fishermen.
- Workshops are good in theory, but are a waste of time.
- Individuals who conduct the workshops need to be people who the fishermen can respect. There should be a dialogue from the workshops that benefits both the fishing community and the government people making the laws.
- Educational and outreach workshops are the key to informing and teaching the fishing community the importance of ethical fishing and angling, and the benefits of such workshops to the management process cannot be over-emphasized.
- Workshops should enhance participants' ability to identify HMS, demonstrate proper release techniques, promote compliance with the regulations, demonstrate use of logbooks, and increase communication between NOAA Fisheries staff and interested parties.
- Set up fishing trips along with the workshops and do not have workshops during the peak fishing times.
- Fishery managers need to get out on the water and see how things are done in both the commercial and recreational fisheries.
- NOAA Fisheries needs to increase the mailings of the Blue Sheets so fishermen know what meetings are happening and when.
- The effectiveness of workshops hinges on time and location.
- NOAA Fisheries could poll potential constituents to help NOAA Fisheries determine the proper timing for the workshops.
- Locations, presentation, and timing need to be appropriate and convenient for all attendees and/or internet session for certification.
- The initial certification should be done at a face-to-face meeting. The re-certification could be via video, internet, or mailings.

- Workshops should be held at select regional locations on the basis of port of landings, at select NOAA Regional Offices, and at major marine centers or fishing clubhouses.
- Locations should be selected based on HMS landing history and, after the initial stages of certification, at NOAA regional offices.
- Do online training workshops.
- One commenter considers them a good idea and expressed an interest in helping to organize them in Louisiana, if possible.

3.12.2 Voluntary versus Mandatory

- NOAA Fisheries should promote voluntary workshops before considering mandatory workshops.
- NOAA Fisheries should not do mandatory workshops.
- Workshops should not be mandatory because some fishermen simply will not be able to attend at that given time, date, or location.
- Workshops should be mandatory for commercial fishermen and voluntary for recreational fishermen if they demonstrate a verifiable 10 percent compliance and attendance at workshops in the first year increasing up to 100 percent compliance and attendance by the 5th year. If these levels are not achieved then recreational fishermen should be required to attend the workshops.
- Attendance and/or certification of covered knowledge should be required for all fishery participants, including permit holder, owner, and captain.
- Attendance by captains should be sufficient and would be more practical than requiring the crew or corporate owner to attend because captains, unlike crew, are more stable and the captain has the authority over the crew at sea.
- Workshops should be a top priority in all HMS hook and line fisheries.
- After the benefits of the mandatory workshops are seen in the commercial sector, it is likely that attendance by fishermen in the recreational sector will increase.
- Mandatory workshops for the commercial sector should not be too great of an economic burden to NOAA Fisheries given the finite universe of commercial operations.
- Recreational participation at workshops is more likely if NOAA Fisheries offers incentives such as waiving permit fees to certified participants.
- Certification should be a pre-requisite for renewing a permit and should be kept on board the vessel.
- Workshops regarding species identification should be required for the vessel captain and an active representative of the dealer issued a Federal permit for directed shark products. Crew attendance should be voluntary.
- The certification should be required to be on board the vessel.
- Compliance with the regulations should be enforced by fines and permit denial for renewal.

3.13 Exempted Fishing/Scientific Research/Display Permits

3.13.1 Requirements for Display Permits

- American Zoo and Aquarium Association (AZA) standards should be applied to display permits to protect fishermen.
- Housing facilities for display permits should have a high standard of husbandry practices comparable to AZA standards.
- Establish a permit for public display facilities to allow them to receive HMS for captivity by demonstrating a high standard of husbandry practices.
- NOAA Fisheries should make aquaria buy their quota from commercial fishermen or allow commercial fishermen to catch the quota allocated to exempted fishing permits (EFPs).
- Issue display permits only to aquariums and other display facilities that meet the AZA standards.
- Display permits should not be issued to third party collectors. If needed, aquarium or other display facilities could contract with third-party collectors.
- Require collectors to report which facility the fish were delivered to.
- NOAA Fisheries should not allow prohibited species to be taken for display purposes.
- NOAA Fisheries should limit the issuance of display permits for HMS that are not likely to survive well in captivity (e.g., billfish).
- Many public aquaria receive calls to take in fish, such as nurse sharks, when a pet store or home aquarist can no longer handle it due to growth. NOAA Fisheries should suggest a minimum size for nurse sharks that restricts the size recreational and other fishermen can take for display purposes.
- Is there a means of tracking EFP fish that die or are collected for display purposes?
- NOAA Fisheries should require detailed reports on permit activities, including information on disposition of the animals taken and/or held under the permit, on an annual basis.
- Aquariums and other display facilities that request permits annually should document the disposition of each animal collected under previous permits to justify the request.
- NOAA Fisheries should enter into separate agreements with individual states to develop a coordinated Federal/state public display quota and reporting system for HMS. ASMFC and GSFMS could help.
- Issues related to what happens after the fish is landed should not be part of NOAA Fisheries jurisdiction. These issues are already addressed by the Department of Agriculture, various State agencies, Universities, and Research organizations.

3.13.2 Permit Application, Structure, and Quota

- NOAA Fisheries should not issue exempted fishing permits.
- NOAA Fisheries should support solid scientific research programs, even if certain fishery sectors are opposed.

- NOAA Fisheries should treat research as a separate category from display and collection.
- NOAA Fisheries needs to rethink the entire exempted fishing system. This area needs to be streamlined to reduce bureaucracy.
- EFPs and SRPs have little effect and are mainly an administrative issue.
- The 60 mt whole weight (ww) for shark display quota should be taken from somewhere else.
- Are you all talking about implementing a 60 mt ww quota for display purposes?
- Maintain the current shark cap at 60 mt and issue permits for other HMS in accordance with ICCAT recommendations.
- Permits for HMS other than shark should be issued in accordance with ICCAT recommendations.
- Retain the current process for permit application.
- NOAA Fisheries should continue to issue one general Notice of Intent (NOI) each year and a separate NOI for unexpected actions.
- NOAA Fisheries should publish a separate NOI for each permit issued.
- NOAA Fisheries should continue to prepare the National Environmental Policy Act (NEPA) documents in house as warranted.
- NOAA Fisheries should require the applicant to submit the appropriate NEPA document as part of the application. This will help to prevent abuse of the EFP process.
- Applicants should demonstrate that the fishing practices used, if different from recreational or commercial gears, will minimize bycatch.
- Applicants should provide a bycatch mitigation plan in the event that non-targeted species are caught.
- NOAA Fisheries should establish a denial and appeal process in instances where a collector has recent fisheries violations.
- Are there data available regarding how many fish are being collected?
- Is there coordination with the states on EFP issues and if not there should be, especially in the case of Florida where there can be a lot of collecting activity?

3.14 Limited Access

3.14.1 Upgrading Restrictions

- Some limited access handgear permits have been given up so fishermen could upgrade their vessels. This practice is unfair. HMS should eliminate this type of permit entirely.
- There should be no upgrading restrictions. These restrictions cause U.S. catch to go down, and the fish are then given away to other countries by ICCAT.
- Why are there upgrading restrictions when there are already trip limits?
- Upgrading should not be restricted.
- My 36' vessel is completely worthless because of the current upgrading restrictions.
- Eliminate the upgrading restrictions. Hold capacity is a better measurement.
- Vessels should not be allowed to upgrade until the fisheries are fully recovered.
- Maintain the current upgrading restrictions.

- Upgrading restrictions should be maintained until any buyouts are complete.

3.14.2 The Swordfish Handgear Category

- NOAA Fisheries should not reopen the handgear category. It makes no sense to have the Florida East Coast closure and reopen the fishery to additional commercial gear.
- Are handgear permits commercial permits and if so, who is interested in opening up the handgear permits? The Strait of Florida is a great recovery area. Why would we want to increase the fishing mortality in that area?
- NOAA Fisheries should not expand the swordfish handgear permits.
- NOAA Fisheries kept the swordfish handgear permit application process open for an additional six months to accommodate the Caribbean situation. Those fishermen chose not to comply and/or NOAA Fisheries failed to ensure they did. Few former swordfish handgear fishermen have gotten a permit. NOAA Fisheries should provide the permit list to fishermen but should not issue any more handgear permits to be issued.
- There are plenty of handgear permits available if directed and incidental permit holders can use handgear. Directed permit holders could use handgear in closed areas or to sell vessels and permits to others.
- I have recently advertised a handgear permit for a 30-foot vessel for sale at a price range of \$5,000 but have had few offers. If there were a limited access program on the BFT General category, I am sure the price of the permit would exceed that considerably.
- The economics of legitimate interest in pursuing long-term swordfishing on a commercial basis is overstated. Permits exist but no one wants to pay or comply with the requirements.
- Re-open the application process for artisanal fishermen in the Caribbean.
- NOAA Fisheries should define the artisanal fishermen and create a separate permit if needed.

3.14.3 Streamlining the Program

- NOAA Fisheries needs to simplify the permit program.
- NOAA Fisheries should streamline the permitting process but do so in a way not to adversely affect scientific or data gathering capabilities.
- Swordfish and shark permits should remain limited access and segmented into directed and incidental.
- Change to gear- or activity-based permits with a distinction for directed or incidental permits. Allow vessels to have only one HMS permit.
- Permits should be gear-based. Vessels should be allowed to have multiple permits for allowed gears and be required to report catch and effort for each permit and gear, including negative reports.
- Squid trawlers should be categorized as incidental swordfish and shark permit holders.
- Maintain current permit structure but require the three-permit combination only if longline gear is on board the vessel.
- A merging of the limited access permits is desirable.

- What about getting rid of the incidental swordfish permit since the quota is not being reached?

3.14.4 Incidental Permit Trip Limits

- NOAA Fisheries needs to look at logbook data, see what is currently being caught incidentally, and use that as a basis for determining incidental catch limits.
- The swordfish quota has not been caught. Thus, NOAA Fisheries needs to increase the swordfish incidental trip limit.
- The swordfish incidental limit should be raised to 15 to 20 swordfish.
- The incidental swordfish trip limits should be adjusted based on analyses of current landings and discards. Handgear permits holders should be restricted to a daily bag limit.
- NOAA Fisheries should adjust the tolerance limits in the commercial shark and swordfish fisheries to reduce discards. Incidental catches of sharks should be allowed to be retained and sold particularly as sharks rarely survive capture and release. Increasing tolerances is a good idea and should also be applied for groundfish. Fishermen have lost permits because they were 38 lb over an 800 lb limit.
- Adjust the incidental trip limits based on current landings and discards.
- Maintain current incidental trip limits.
- Allow incidental permit holders to land and sell fish regardless of directed fishery closures.
- NOAA Fisheries should maintain the current incidental shark permit holder trip limit until after the next stock assessments.

3.14.5 Latent Effort

- Remove latent permits so they cannot increase fishing effort.
- The closure in the Gulf has taken me out of the pelagic longline fishery. The latent permit I hold for this fishery could be taken away to reduce latent effort. I have maintained these permits in the hopes of getting back in after the closures were removed.
- If someone has a permit and has never fished with it, fine, remove it.
- Remove permits in shark and swordfish program that have not been used.
- The swordfish fishery is not overcapitalized. There is no need to remove permit holders through attrition.
- Removing latent effort in the shark fishery by removing shark permit holders that have no landings since the limited access program was put in place would be a good choice. Directed permit holders with no landings could be reduced to incidental permit holders and eventually phased out completely.
- Individual transferable quotas (ITQs) cannot happen until latent effort has been removed.

3.15.6 Individual Transferable Quotas and Individual Fishing Quotas (IFQs)

- IFQs are not a good idea because they tend to buy out all of the smaller business owners (e.g., the clam fishery).
- Who would IFQs apply to? Would you need a permit to sell fish?

- If you decide to use ITQs, please use a long qualification period, not just a few years. Men who have been active but have had to move on (because of closures) may lose their permits because, for a certain period, they were “latent.”
- As for the IFQ and ITQ, I was forced out of the red snapper fishery because they said I had no history.
- NOAA Fisheries should explore the use of ITQs in the shark and swordfish fisheries.
- Establish ITQs or IFQs for swordfish and sharks.
- While we support IFQs, we do not want to see property rights assigned until the resource is sustainable.
- We support open access in the commercial swordfish handgear fisheries.
- Gillnet fishermen are against IFQs. If IFQs are to be considered then at least two to three years of historical participation should be looked at to establish individual quotas. Two or three bad seasons can really hurt folks when these types of fishing quotas are calculated.

3.15 Defining Longline Gear

- All of the options presented in the IO paper are applicable.
- Could HMS be more detailed in defining gear?
- How does enforcement play a role? There is a need for more enforcement.
- What permits are required for longlines (i.e. bottom, pelagic, etc.)?
- Will there be regulations required for boats, vessels, or gear?
- The definition of a longline is a legal issue that needs to be resolved by NOAA Fisheries, not fishermen.
- NOAA Fisheries does not need to modify the definition. It is easy to distinguish between gear types. Another definition would only confuse things.
- NOAA Fisheries should look at the catch.
- Gear should be defined based on species in the catch.
- Define gear based on number of floats and/or weights on board.
- The only real possibility of defining the difference is with the number of floats and/or weights on board. Counting floats and weights and setting a legal number allowed as an identifier could be worked out if NOAA Fisheries can give us an idea of what those limits would be.
- Option 2, defining the gear based on the number of floats and/or weights, could be combined with option 5, gear-based permits, to solve this issue.
- Require gear-based permits and specify other requirements by permit type, not gear on board.
- Require the use of data loggers on all pelagic and bottom longline sets; require operator to maintain set depth logs.
- Can a reasonable cost be worked out for data loggers for enforcement to download per vessel along with the protocol of how that use would be regulated? How many data loggers would be needed per vessel? How much do data loggers cost?
- Everyone should have VMS, bottom longline fishermen included.

- NOAA Fisheries needs to differentiate between pelagic longline fisheries for swordfish and tunas. The tuna longline fishery deserves to be separated from the swordfish longline fishery.
- NOAA Fisheries must eliminate the requirement for the spool to be power-driven. This will correctly identify the manual garden-hose reels currently being used to set mini-longline gear by non-permit holders.
- The vessel could communicate to NOAA Fisheries about the choice of gear types before leaving port.
- If a vessel has a history of using both gears, and if a gear-type endorsement is used, then an option to have both should be given.

3.16 Authorized Gears

- Spearfishing should be listed as an authorized gear type. There is an economic value to the charter boats spearfishermen use, it is a directed fishery, and there is no bycatch.
- Spearfishing gear would have little effect on the fishery as a whole because very few fish would be taken.
- NOAA Fisheries should authorize spearfishing. Takes by spearfishermen are insignificant and would have a low impact. For example, in the largest spearfishing tournament on the East Coast, there are only 50 spearfishermen. On the west coast only six BFT were caught in the last year. It has always been an authorized gear in the Pacific.
- There is no significant safety issue with spearfishing because divers use visible floats and signals to indicate divers are in the area. The gear is efficient in that everything is landed and fish very rarely escape with gear attached.
- Concerns about safety with boat traffic or other fishermen are not an issue as rules regarding approaching divers/dive flags are already in place, and spearfishermen are currently targeting other species that inhabit many of the same areas as tunas.
- Safety is not an issue. Divers fly both a dive and international dive flag, and vessels must keep 300 feet from flag. Divers would use floats to identify where they are.
- Using a spear is probably the first method used by man for taking fish.
- Spearfishermen freedive with no scuba equipment.
- Sale of BFT caught with spearguns should be allowed, otherwise there will be waste of fish and product.
- The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) expressly calls for the participation of all types of user groups for Atlantic pelagic species. Not allowing spearfishing goes against the spirit of the Act.
- Freedive spearfishing for HMS fish has been going on for many years on both coasts. The legality has been ignored but we wish to be law-abiding citizens.
- The act of spearing a tuna is considered one of the ultimate accomplishments for a freediver and is extremely challenging (correct location, ability to hold breath, correct equipment, and having the fish swim within 18 feet of the diver).
- Spearfishing is no different than harpooning.

- Currently, U.S. spearfishermen who wish to target Atlantic tunas legally must travel to Costa Rica, Panama, or other countries which allow the gear type. The commenter is concerned about safety issues for U.S. fishermen fishing in foreign countries with no Coast Guard.
- Spearfishermen would like to target tunas recreationally, mostly bigeye, albacore, and yellowfin tunas, and would be very happy with a one bluefin per person per year limit.
- Spearfishermen often use “slip tips,” which can reduce lost fish/mortality.
- Spearfishermen can be very selective of their catch and can select size and species easily.
- Spearfishermen and rod and reel fishermen already coexist, using the same charter vessels and grounds out of Venice, Louisiana, where they target wahoo and dolphin.
- Allowing spearfishing gear in the recreational tuna fishery may reduce effort on many reef fish species.
- The Gulf of Mexico Fishery Management Council recommends adding spearfishing as an authorized gear.
- Spearfishing gear should not be allowed for scuba divers, just for breath hold fishermen.
- Spearfishermen should be banned in Florida waters and in the Bahamas to allow some of our fish to replenish. At least stop the harvesting of anything less than 24 inches.
- Spearfishing should be banned until it is feasible to keep track of catch and effort. There is no available BFT quota for this gear at this time.
- NOAA Fisheries should allow both green sticks and spearfishing. Both gear types are currently used regardless of regulations.
- What is a green stick?
- A green stick with three or more hooks is a longline by definition and only longline permit holders should be authorized. Any other fishing vessel should have no more than 2 hooks attached to such green stick rig. Teasers without hooks could be allowed.
- Green stick rigs should be allowed in HMS Angling and General category fisheries. The gear is trolled and not set out to drift. Catch rates are on average three times greater than conventional rod and reel. Tuna can be landed more quickly with minimal fight. The gear minimizes interactions of billfish with commercial gear.
- Green sticks are longlines. If they are authorized, they could have a negative impact on stressed and overfished stocks.
- Green sticks should be allowed as long as they do not have any more than six hooks.
- NOAA Fisheries should maintain the current list of authorized gears.
- NOAA Fisheries should allow mid-water trawls to take incidental levels.

3.17 Essential Fish Habitat

- Much more should be done regarding the identification of essential fish habitat (EFH) for billfishes. The way the FMP addresses EFH does not change anything.
- Oil rigs should be designated as EFH. There is a group called Towers of Life that advocates leaving oil rigs in place once they are no longer under production, rather than removing them. In terms of HMS, commenters noted that they have witnessed yellowfin tuna spawning and feeding occurring in the vicinity of oil rigs.
- Several commenters raised concern regarding the northeast herring fishery, stock abundance estimates and relationships to the BFT fishery. Concerns were also raised about how NOAA Fisheries regards herring from ecosystem management and essential fish habitat perspectives particularly with regards to the predator-prey relationship between BFT and herring. Specific references were made to negative impacts on BFT migration patterns and abundance due to herring pair-trawl activity on Jeffrey's ledge.
- EFH needs to include SAFMC EFH documents at the very least because much has been done with HAPCs.
- Individuals and institutions collecting and/or holding HMS by this method need to be held to the same standards as other commercial fishermen relative to fishing practices, quotas, bycatch reduction, reporting requirements, and time/area closures.
- In identifying EFH for HMS species, NOAA Fisheries is limited to the EEZ. This makes it very difficult to address problems with stocks that migrate great distances.
- The IO paper does not address how NOAA Fisheries plans to protect similar areas of importance to the stock on an international scale. How do you plan to do that?
- Floating algae and Sargassum should be considered as part of EFH or at least addressed in Amendment 2.
- Why is description and identification of EFH and HAPCs an option? It is mandated.
- Maintain the current HAPCs and identify new ones consistent with the guidelines and taking into consideration the special needs of the species.
- NOAA Fisheries should develop a suite of management measures to minimize adverse fishing effects that include fishing equipment restrictions, time/area closures, and harvest limits.
- Sargassum is important to many species and should be an EFH consideration.
- Federal and state governments need to coordinate to protect nursery grounds in state waters.
- NOAA Fisheries should publish and distribute the results of the 2002 American Fisheries Society Symposium on shark habitat.
- Shark EFH has been a topic for discussion for more than a decade and no concrete measures have been enacted. NOAA Fisheries must move forward to protect important shark areas including closures of HAPCs.
- EFH should be based on the entire range of the fishery and species.

- We support option 2 for identifying HAPCs.
- Option 2 on minimizing fishing effects on EFH should be developed so stakeholders can see the suite of measures that may be used. Such measures should focus on sex, size, and season combinations to reduce impacts to EFH.

3.18 Combining the HMS and Billfish Fishery Management Plans

- This is not a good idea because the combined Advisory Panels (APs) would be dominated by recreational interests.
- The FMPs and APs should be kept separate.
- Do not combine the HMS and Billfish FMP's. Create a separate Shark FMP.
- Do not combine the FMPs. There should be separate FMPs for each species group (tunas, sharks, etc.) and possibly for each individual species (BFT, sandbar shark).
- The HMS and Billfish FMPs should be kept separate due to the recreational nature of the fishery for billfish and that recreational fisheries strive for OY and not MSY.
- Do not combine the FMPs. One plan deals with recreational issues while the other deals with commercial issues. The Councils deal with multiple plans regularly and have successfully solved the administrative and other problems.
- Combining the two plans could create confusion and could eliminate the distinction of billfishes as a recreational-only fishery.
- As long as there is a commercial representative on the Billfish AP, you do not need to combine the FMPs.
- Fold the two plans together; the issues overlap.
- The FMPs duplicate efforts. Duplication can only be addressed by combining them.
- The FMPs should have been combined years ago. The cost of the redundant FMPs and APs is unnecessary. When dissolving the Billfish AP, include one additional seat for both commercial and recreational billfish issues on the HMS AP.
- While not necessarily opposed, we believe that some vulnerable species continue to suffer from low priority and that debate is regularly cut short because of lengthy discussions of other agenda items. NOAA Fisheries should add an option that would allow for separate deliberations as well as combined group discussions during AP meetings.
- As long as the management of the stocks does not change, combining the two plans is not a scientific issue.

3.19 General

3.19.1 Outreach and Timing of Scoping Meetings

- Several individuals complained that they had heard about the meeting on the day of the meeting; they had not seen any prior notices. Notices should be posted at the marinas and published in the newspaper.

- Marina owners on the HMS fax network are not posting information or actively getting the word out about HMS events.
- The Calendar of Events section of the NOAA Fisheries website has not been updated since December 2003.
- Please schedule meetings during off seasons or at better times for fishermen.
- NOAA Fisheries should hold more constituent hearings in New Jersey.
- The Council's Billfish AP and HMS Committee need to meet and review this document and forward comments to the Council for submission to NOAA Fisheries. The comment period should be extended in order to accommodate this.
- NOAA Fisheries should hold public hearings on the selected alternatives before the AP meeting and prior to developing a proposed rule. This would be similar to what the Councils do and is proven to be optimally transparent.
- To ensure adequate public participation, NOAA Fisheries should mail the IO paper to each active participant and schedule the meetings when commercial fishermen can attend.
- It is interesting to note that in advertising the IO paper, the general American public is excluded from those considered as interested public. The connection of NOAA Fisheries with commercial fishing profits has blinded the folks who work there.
- Will the IO paper be published in "Fish Facts"?
- NOAA Fisheries needs to consolidate the Federal rules, state rules, and Council Rules into one easy to read booklet for recreational anglers.

3.19.2 Purpose of Scoping

- The general feeling from those in attendance at several meetings is that HMS meetings are a waste of time because the decisions to change the rules are already made before the meetings. Those comments that are made by the public are ignored.
- This presentation was extremely too long and it was very difficult to maintain any focus on specific items.
- The lack of institutional memory in HMS leads to the raising of issues that were explored and rejected in the past.
- NOAA Fisheries's proposals are misdirected and inefficient.
- Most of the issues and options raised are not critically needed and just wastes precious time and energy.
- HMS Advisory Panel has not met since the IO paper. NOAA Fisheries should allow the Advisory Panel to meet before going forward with the rule.
- Do not update the FMPs; come up with effective international strategies. Tell us what tools you need and we can lobby for you.
- The recreational fishermen respect the need for regulation and want to maintain the experience for themselves and families. The commercial fishermen need to maximize their catch and wish to use regulations to their advantage. All of your rules are biased because of the lobbying of commercial interest.
- You need to come back to the public with specific options and preferred alternatives.

3.19.3 Biological Opinions

- A commenter was curious about the analytical procedures, clearance processes, checks and balances, and data quality controls implemented during the preparation of biological opinions.
- Any Biological Opinion for the shark gillnet fishery needs to undergo a peer review prior to use and released in a fashion that allows for such a review. More information is needed regarding sea birds.

3.19.4 Other Management Concerns

- NOAA Fisheries should consider something similar to the Fisheries Ecosystem Plan done by the SAFMC, which includes fishermen in the plans.
- The United States catches less than five percent of total HMS catch, but NOAA Fisheries does not explain this to the public. NOAA Fisheries should do better explaining how the commercial fishery has sacrificed in order to comply with tougher U.S regulations that are not necessarily imposed upon foreign fishing vessels.
- Cut all quotas by 50 percent this year and 10 percent for each following year.
- NOAA Fisheries should not allow the commercial fishery to continue to decline.
- Fishermen cannot pay any bills with all the regulations. While the cost of fuel, bait, food, and tackle have increased, the ex-vessel price of fish has been cut in half. Commercial fishermen cannot last that much longer.
- The recreational fishing community feels over restricted.
- Recreational fishermen are a vital part of the nation's economy. We provide jobs and generate revenue for countless businesses including tackle, boats, hotels, fuels, insurances, and taxes. Yet NOAA Fisheries punishes us for the overfishing by the commercial industry.
- The IO paper does not discuss the impact on participants in recreational fisheries.
- If the recreational fishery is overly imposed upon, it will react by "walking."
- Fishing opportunities are decreasing and are/will have impacts on Montauk's service industries (e.g., hotels and restaurants). Small communities need to be accounted for in the rulemaking process, has concerns for the community as a whole due to it's links to fisheries.
- Hotel bookings have been down by 30 percent due to fishery regulations. Their 'busy' season is only five to six months in duration and they cannot maintain staff at these rates.
- The United States is the only nation to address recreational fishing. The United States needs to make all other ICCAT countries account for their recreational fisheries.
- NOAA Fisheries must enforce the prohibition of the sale of recreationally-caught HMS. If NOAA Fisheries is going to accept comments by email, the agency needs to implement a requirement for using digital certificates to authenticate that the comments were from the identified party and not contaminated in transit.
- A commenter stated that improved enforcement is necessary within the recreational BFT and swordfish fisheries. The commenter alleged that violations range from many recreationally caught fish illegally entering the commercial market to unawareness of the need for an HMS recreational angling permit. In

addition, many recreational swordfish, tuna and shark fishermen, who also participate in tournaments, are not permitted due to lack of awareness of this requirement. The commenter suggested increased outreach through tuna tackle shops (there are not that many in the northeast – he owns three of them). Posters would also be a good idea. According to the commenter there have been fish ending up in the dumpster because of high catch rates of non-permitted fishermen. As a result however there could also be significant increases to landing estimates with consequences to quota calculations.

- Because of the great distances involved in enforcement of the HMS fishery, NOAA enforcement should work with recreational anglers to provide eyes on the water.
- NOAA Law Enforcement is non-existent in south Texas.
- States should be allowed to implement more restrictive measures for any HMS in State waters than the Federal government.
- The HMS identification guide is superb and should be put on the web.
- NOAA Fisheries needs to assess the cumulative effects of the current regulations, many of which are unnecessary, wasteful, and result in little conservation gain.
- Members of Fishery Management Councils should be appointed to attend ICCAT meetings or authorized to attend as observers.
- NOAA Fisheries should consider switching from a fishing year to a calendar year. This would follow the natural season of HMS and billfish and would make reports to ICCAT easier.
- Some of the options listed allow for or require the use of the internet for reporting or transmitting data. The internet is not secure and should not be used to transmit confidential data.
- The IO paper does not discuss overfishing issues.
- The IO paper does not include analyses of the biological, social, or economic impacts of the various alternatives. A subsequent options paper should be developed that contains these analyses before a proposed rule is developed.

4.0 Who Submitted Comments?

Below is a list of interested parties who submitted written comments during the scoping comment period. These comments were submitted via email, fax, and/or regular mail. NOAA Fisheries received additional comments by interested parties at public scoping meetings.

1. 05/10/2004 Barbara Sachau
2. 05/29/2004 Barbara Sachau
3. 06/01/2004 Don Moore
4. 06/02/2004 Terry Maas
5. 06/02/2004 Eddie Mayes
6. 06/02/2004 Luis Barros
7. 06/02/2004 David D. Smith
8. 06/02/2004 Rabih Dabboussi
9. 06/02/2004 F. Allan Vogel

10. 06/02/2004	Joe Denk
11. 06/03/2004	Arthur Nelson
12. 06/03/2004	Stephen G. Metcalf
13. 06/03/2004	Melody Cooper Gross
14. 06/03/2004	Edward J. Paradise
15. 06/04/2004	Eric Gonima-Gil
16. 06/05/2004	John Schmidt
17. 06/07/2004	Rod Najimian
18. 06/17/2004	State of Georgia, Department of Natural Resources written comments submitted at Key West, FL
19. 06/23/2004	Mary Jo Janovsky, Oceanic Conservation Organization
20. 06/28/2004	Jack Fullmer, New Jersey Council of Diving Clubs
21. 06/28/2004	Eric Hooper
22. 07/01/2004	Richard D. Gage
23. 07/06/2004	Julio E. Gracia
24. 07/06/2004	Mike Wade, Alabama Spearfishing Association
25. 07/06/2004	Jelena Panfilova
26. 07/06/2004	Branon A. Edwards
27. 07/07/2004	Robert Cabral
28. 07/07/2004	David Pierce, Commonwealth of Massachusetts, Division of Marine Fisheries
29. 07/07/2004	Edward Paradise
30. 07/07/2004	Robert J. Cabral
31. 07/07/2004	David D. Smith
32. 07/07/2004	Stanley W. Shostak
33. 07/07/2004	Randolph Gosnell, Real Divers Club
34. 07/07/2004	Jim Robertson, IGFA International Committee
35. 07/08/2004	Noah Doughty
36. 07/11/2004	Matt Richards
37. 07/11/2004	Dana Ravenberg
38. 07/11/2004	Albert Alvarez
39. 07/12/2004	Joe Burke
40. 07/12/2004	Julie Alvarez
41. 07/14/2004	Ken Hinman, National Coalition for Marine Conservation
42. 07/19/2004	Sean Meehan
43. 07/19/2004	Bobbi Walker, Gulf of Mexico Fishery Management Council
44. 07/20/2004	Shawn Dick, Aquatic Release Conservation, Inc.
45. 07/22/2004	Russell H. Hudson, Directed Shark Fisheries, Inc.
46. 07/22/2004	Maumus F. Claverie, Jr.
47. 07/22/2004	Stoney Bower
48. 07/22/2004	Glen C. Bryant and Jan Isham, Bryant Products, Inc.
49. 07/22/2004	Dan Weston
50. 07/22/2004	Mark Jacobs
51. 07/22/2004	Thomas J. Hilton
52. 07/22/2004	W. Parker Huddle, Mobile Big Game Fishing Club
53. 07/22/2004	Sean Clancy

54. 07/22/2004	FJKane
55. 07/22/2004	Jim McDowell
56. 07/23/2004	Marydele Donnelly, The Ocean Conservancy
57. 07/23/2004	Sonja V. Fordham and Coby Dolan, The Ocean Conservancy
58. 07/23/2004	Charlotte Gray Hudson and Gilbert A. Brogan, Oceana
59. 07/23/2004	Ellen Peel, The Billfish Foundation
60. 07/23/2004	Ricks Savage, Mid-Atlantic Fishery Management Council
61. 07/23/2004	Jim Donofrio, Recreational Fishing Alliance
62. 07/23/2004	Tim Chaffin, F/V Raw Dawg
63. 07/23/2004	Arthur Fortner, F/V Vitamin Sea
64. 07/23/2004	Tim McGrath, F/V Miss Ann
65. 07/23/2004	Chris M. Brannon
66. 07/23/2004	Susan Shipman, State of Georgia, Coastal Resources Division
67. 07/23/2004	William Lott
68. 07/23/2004	Maumus F. Claverie, Jr.
69. 07/23/2004	Putnam B. Macleen, Eagle Eye Fishing Corporation, Inc.
70. 07/23/2004	Capt. John Mooney, R/V Moon Dog
71. 07/23/2004	Nelson R. Beideman, Blue Water Fishermen's Association
72. 10/18/2004	Julie Morris, Gulf of Mexico Fishery Management Council

5.0 What Happens Now?

As described in section 2.0, scoping is the first phase in the EIS/FMP amendment process. NOAA Fisheries has been considering all the comments received during scoping, prioritizing which issues will be addressed in Amendments 2 or future rulemakings, and preparing a draft EIS/FMP amendment and proposed regulations.

Once the proposed rule and draft EIS/FMP amendments are released, there is a second comment period where the public has an opportunity to comment on the draft EIS/FMP amendments and proposed regulations. At the end of that second comment period, NOAA Fisheries will consider the new comments and prepare the final EIS/FMP amendments. When the final EIS/FMP amendments are released, there is a third, shorter comment period on the EISs alone. At the end of that third and final comment period, NOAA Fisheries will publish a final rule based on the final EIS/FMP amendments. An outline of this process is shown in Table 1.

For Amendments 2, NOAA Fisheries anticipates the final regulations to be effective at the end of 2005. Preliminarily, NOAA Fisheries expects to release the proposed regulations and draft Amendments in the summer of 2005 and the final regulations in late fall/early winter of 2005. This schedule could change dramatically depending on the number of issues that are handled in these Amendments and other priorities within NOAA Fisheries.

Table 1. Summary of the Steps in the EIS/FMP Amendment Process

1. Scoping/Initial Public Comment	A. Notice of intent	Completed (July 9, 2003, 68 FR 40907)
	B. Release of Issues and Option Paper	Completed (April 30, 2004, 69 FR 29927)
	C. Hold public meetings	Completed
	D. End of comment period	Completed
2. Draft EIS/FMP Amendment and Proposed Rule	A. Consider comments received in Scoping	<i>In Process</i>
	B. Draft documents	<i>In Process</i>
	C. Publish proposed rule and Notice of Availability in <u>Federal Register</u>	Expected Summer 2005.
	D. Hold public meetings	
	E. End of comment period	
3. Final EIS/FMP Amendment	A. Consider comments received on draft documents	Expected late Fall 2005
	B. Finalize documents	
	C. Publish Notice of Availability in <u>Federal Register</u>	
	D. End of comment period	
4. Final Rule	A. Consider comments received on draft documents and Final EIS/FMP Amendment	Expected early Winter 2005.
	B. Finalize document and responses to comments	
	C. Publish rule in <u>Federal Register</u>	